

### REMARKS

Claims 1-5 are all the claims pending in the application.

The Examiner rejects claim 1 under 35 U.S.C. § 103(a) as being unpatentable over Nakano et al. (Nakano) in view of Tsubonuma et al. (Tsubonuma). The Examiner indicates that claims 2-5 are allowed.

Applicant respectfully traverses the Examiner's prior art rejection of claim 1 as follows.

Applicant's claim 1 provides an audio device comprising unique combinations of features including, *inter alia*, a correction circuit having implanted therein correction transfer functions featured by a sound field characteristic of a space ranging from a speaker to an ear of a listener when the speaker is disposed in an anechoic room as a model of a component layout in reproduction sound field space.

Nakano, the Examiner's primary reference, discloses nothing more than a method where calculation is performed using reproduction sound field data. Nowhere does Nakano disclose, teach or suggest performing transfer function calculation using data measured in an anechoic room. Thus, in Nakano, it is impossible to obtain a desired effect in a space such as a car cabin wherein a large amount of reflected sound exists in the vicinity of a direct sound. In contrast to Nakano, an audio device as claimed in claim 1, where calculation is performed using data measured in an anechoic room without being affected by reflected sound, it is possible (although not required) to obtain a desired effect in a space such as a car cabin.

The examiner acknowledges that neither Nakano, nor Tsubonuma, discloses, teaches or suggests performing transfer function calculation using data measured in an anechoic room.

However, the Examiner alleges that "[i]t is well known in the art that anechoic rooms are used

for experiments to evaluate human response to different kinds of sound fields and for experiments where sound reflections must be rendered negligible”, and that “[i]t would have been obvious to combine Nakano’s virtual processor and Tsubonuma sound field and placing [sic] the device in an anechoic room in order to test for the best sound reproduction condition” (see Office Action, pages 3-4).

Applicant respectfully submits that the Examiner’s conclusion, and its application to the requirements set forth in Applicant’s claim 1, finds no basis in either the cited prior art or the general knowledge of audio reproduction. That is, nowhere does Nakano (which is directed to virtual image orientation processing of audio signals for rear speakers) or Tsubonuma (which is directed to converting a monophonic audio signal into stereo-simulated signals) disclose or suggest placing either of their respective devices in an anechoic room in order to test for the best sound reproduction condition. In fact, given the specific and unrelated problems addressed by Nakano and Tsubonuma, one skilled in the art of audio reproduction would not have been motivated to test the devices disclosed in either of these references in an anechoic room. Thus, the Examiner is respectfully requested to provide evidence to support the conclusory statements as to the alleged common knowledge in the art of audio reproduction that would have motivated one skilled in this art to modify both Nakano and Tsubonuma to include a correction circuit having implanted therein correction transfer functions featured by a sound field characteristic of a space ranging from a speaker to an ear of a listener when the speaker is disposed in an anechoic room as a model of a component layout in reproduction sound field space, as recited in Applicant’s claim 1. In this regard, the Examiner is directed to MPEP 2144.03 which states, *inter alia*, “[i]t is never appropriate to rely solely on common knowledge in the art without

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evidentiary support in the record as the principal evidence upon which a rejection was based”  
(MPEP 2144.03(E)).

In summary, Applicant’s claim 1 would not have been obvious from the combination of Nakano and Tsubonuma at least for these reasons.

In view of the above, reconsideration and allowance of this application with all of claims 1-5 are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned attorney at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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